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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUL 17 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.622(b)	)	MM Docket No. _____
DTV Table of Allotments	)	RM No. _____
Television Broadcast Stations	)	
(Mililani Town, Hawaii)	)	

TO: Magalie Roman Salas, Secretary
for direction to
Roy J. Stewart, Chief
Mass Media Bureau

PETITION FOR RULE MAKING

1. Lightning Bolt Broadcasting Company, Inc. ("Lightning Bolt"), on behalf of itself and Mililani Town Broadcasters, LLC ("MTBLLC"), hereby petitions the Commission to institute a rule making proceeding to amend (a) Section 73.622(b) of the Rules to allot DTV Channel 17 to Mililani Town, and (b) Section 73.606(b) to delete therefrom the NTSC Channel 60 allotment to Mililani Town. As set forth in greater detail below, MTBLLC is an entity comprised of all of the applicants with applications currently pending before the Commission for Channel 60 in Mililani Town, Hawaii.

2. This proposal is in accordance with all applicable technical and engineering requirements, as set forth in the attached Engineering Statement of Kevin T. Fisher, of the firm of Smith and Fisher, whose credentials are a matter of record before the Commission.

3. This proposal is also in accordance with the Commission's Public Notice, "Mass Media Bureau Announces Window

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Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations", DA 99-2605, released November 22, 1999. To the best of Lightning Bolt's knowledge, a total of 10 applications for NTSC Channel 60 in Mililani Town are presently pending before the Commission. The applicants are:

Applicant	File Number
Mililanitown 60, LLC	BPCT-19960920KT
HTV/HTN Hawaiian TV Network	BPCT-19970328KL
Lightning Bolt Broadcasting Company, Inc.	BPCT-19970331KO
Kaleidoscope Foundation, Inc.	BPCT-19970331LD
Mark Brown	BPCT-19970331LS
Henry Kana'e	BPCT-19970331KL
George S. Flinn, Jr.	BPCT-19970331KW
Ebony Broadcasting, Inc.	BPCT-19970331LU
Diana S. Atkin	BPCT-19970331LT
Haole Girl TV, Inc.	BPCT-19970331LR

The application of Mililanitown 60, LLC was filed on September 20, 1996. A cut-off list (Report No. A-198, released February 12, 1997) included that application, specifying a cut-off date of March 31, 1997. The remaining nine applications listed above were filed on or before that cut-off date.

4. All of the ten listed applicants have entered into an agreement, being submitted simultaneously herewith along with a request for Commission approval of that agreement, pursuant to which they have agreed: (a) to merge into a new limited liability

company, i.e., MTBLLC; (b) to amend the application of Lightning Bolt to reflect that the applicant there is MTBLLC; and (c) to dismiss the nine other applications. The effect of these transactions, if approved by the Commission, would be to eliminate all but one (i.e., the surviving application of Lightning Bolt) of the cut-off, mutually exclusive applications for the Mililani Town channel, and to amend that one surviving application to reflect MTBLLC as the applicant therein. It is on that basis that Lightning Bolt is filing the instant Petition for Rule Making.

5. As set forth in the accompanying Engineering Statement, no NTSC replacement channel is available in Mililani Town that meets the analog spacing requirements of Section 73.610 as well as the DTV interference criteria of Section 73.623(c). However, DTV Channel 17 can be used from a specific site with specific operating parameters (set out in detail in the accompanying Engineering Statement) consistently with the Commission's technical criteria.

6. The proposed channel substitution is in the public interest as it will permit the retention of a television allotment for Mililani Town [1] and will also expedite the initiation of local television service in that community consistently with the Commission's rules.

7. Upon favorable Commission action on this Petition,

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[1] In view of the Commission's Report and Orderin ET Docket No. 97-157, released January 6, 1998, no new television service could be authorized on Channel 60.

Lightning Bolt (on its own behalf and on behalf of MTBLLC) hereby commits that it will take such steps as may be necessary and appropriate (including the amendment of its application to specify the substituted channel) to seek Commission authority to construct and operate a television station on the substituted channel and, upon issuance of such authority, to construct and operate such a station.

Respectfully submitted,

/s/ Harry F. Cole
Harry F. Cole

Bechtel & Cole, Chartered
1901 L Street, N.W.
Suite 250
Washington, D.C. 20036
(202) 833-4190

Counsel for Lightning Bolt
Broadcasting Company, Inc.

July 17, 2000

EXHIBIT A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared In support of a Petition for Rulemaking to substitute DTV Channel 17 for NTSC Channel 60 in Mililani Town, Hawaii.

According to the Commission's Public Notice DA 99-2605, "Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations," released November 22, 1999, applicants for NTSC allotments on Channels 60-69 have been afforded an opportunity to find an alternate NTSC or DTV channel below Channel 60. Our detailed channel search reveals that no NTSC replacement channel is available in Mililani Town that meets the analog spacing requirements of §73.610, as well as the DTV interference criteria of §73.623(c). However, we have determined that DTV Channel 17 can be used from a specific site and with specific operating parameters.

The proposed site, at 21° 23' 45", 158° 05' 58", is plotted in Exhibit B. A 26-meter communications tower exists there. For the purposes of our interference studies, we assumed that an MCI 8-bay omnidirectional antenna would be side-mounted on this tower, as shown in Exhibit C. The proposed effective antenna height is 716 meters AMSL, and the main-lobe maximum ERP is 200 kw. Proposed operating parameters are listed in Exhibit D, and Exhibit E provides the vertical radiation pattern for the proposed antenna. Exhibit F is a tabulation of terrain and contour data for the proposed facility.

EXHIBIT A

The predicted 41 dbμ contour is plotted in Exhibit G. As shown, the entire community of Mililani Town is contained within the proposed 41 dbμ contour, as required by §73.623(c)(1) of the Rules. Exhibit H is an interference study, which concludes that the proposed facility meets the requirements of §73.623(c)(2) of the Rules with respect to both NTSC and DTV facilities and is therefore in accordance with the terms of the aforementioned public notice.

It is thus requested that the FCC delete analog Channel 60 in Mililani Town, Hawaii, by changing §73.606(b) of its Table of [NTSC] Allotments, as follows:

Community	Present Allotments	Proposed Allotments
Mililani Town, Hawaii	60z	

Further, we request that the Commission add Channel 17 in Mililani Town, Hawaii, its §73.622(b) Digital Television Table of Allotments, as follows:

Community	Present Allotments	Proposed Allotments
Mililani Town, Hawaii		17

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

KEVIN T. FISHER

July 13, 2000

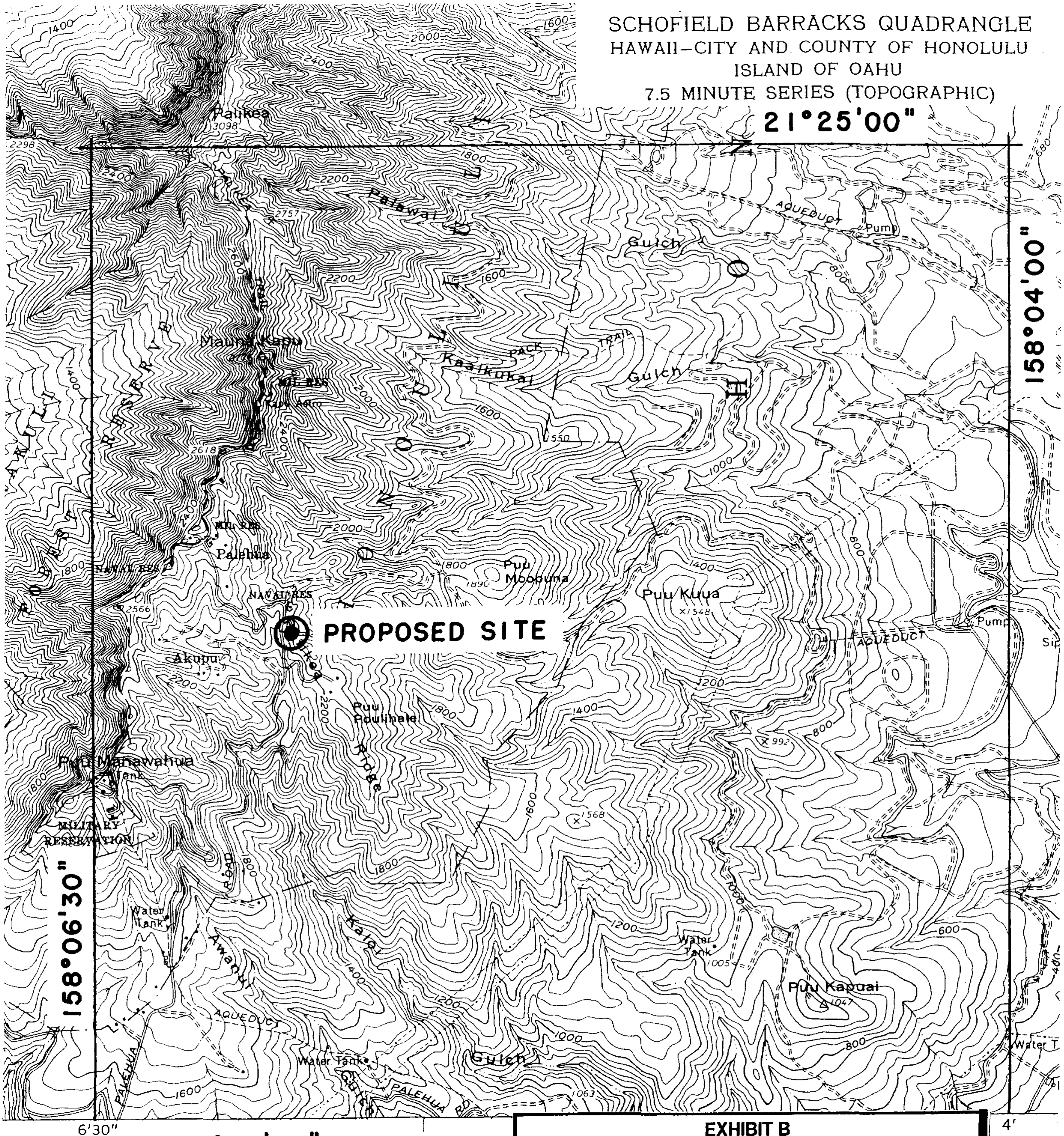
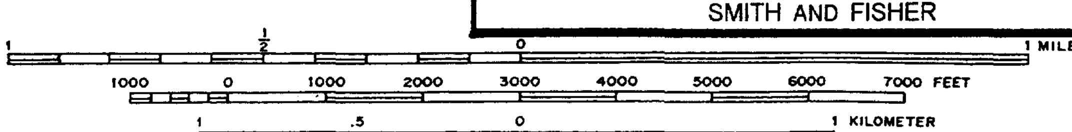

SCHOFIELD BARRACKS QUADRANGLE
HAWAII–CITY AND COUNTY OF HONOLULU
ISLAND OF OAHU
7.5 MINUTE SERIES (TOPOGRAPHIC)
21°25'00"
158°04'00"
158°06'30"
21°22'30"
6'30"
4'
PROPOSED SITE
Palikea
Palawai
Gulch
Kaaikukai
PACK TRAIL
Mauna Kapu
Palehua
NAVAL RES
Puu Moopuna
Puu Kuua
Akupu
Puu Poulihale
Ridge
Puu Manawahua
MILITARY RESERVATION
Water Tank
Awanui
Kalo
AQUEDUCT
Pump
Puu Kapuai
PALEHUA RD

EXHIBIT B

LOCATION OF PROPOSED SITE

PROPOSED DTV ALLOTMENT
CHANNEL 17 - MILILANI TOWN, HAWAII

SMITH AND FISHER



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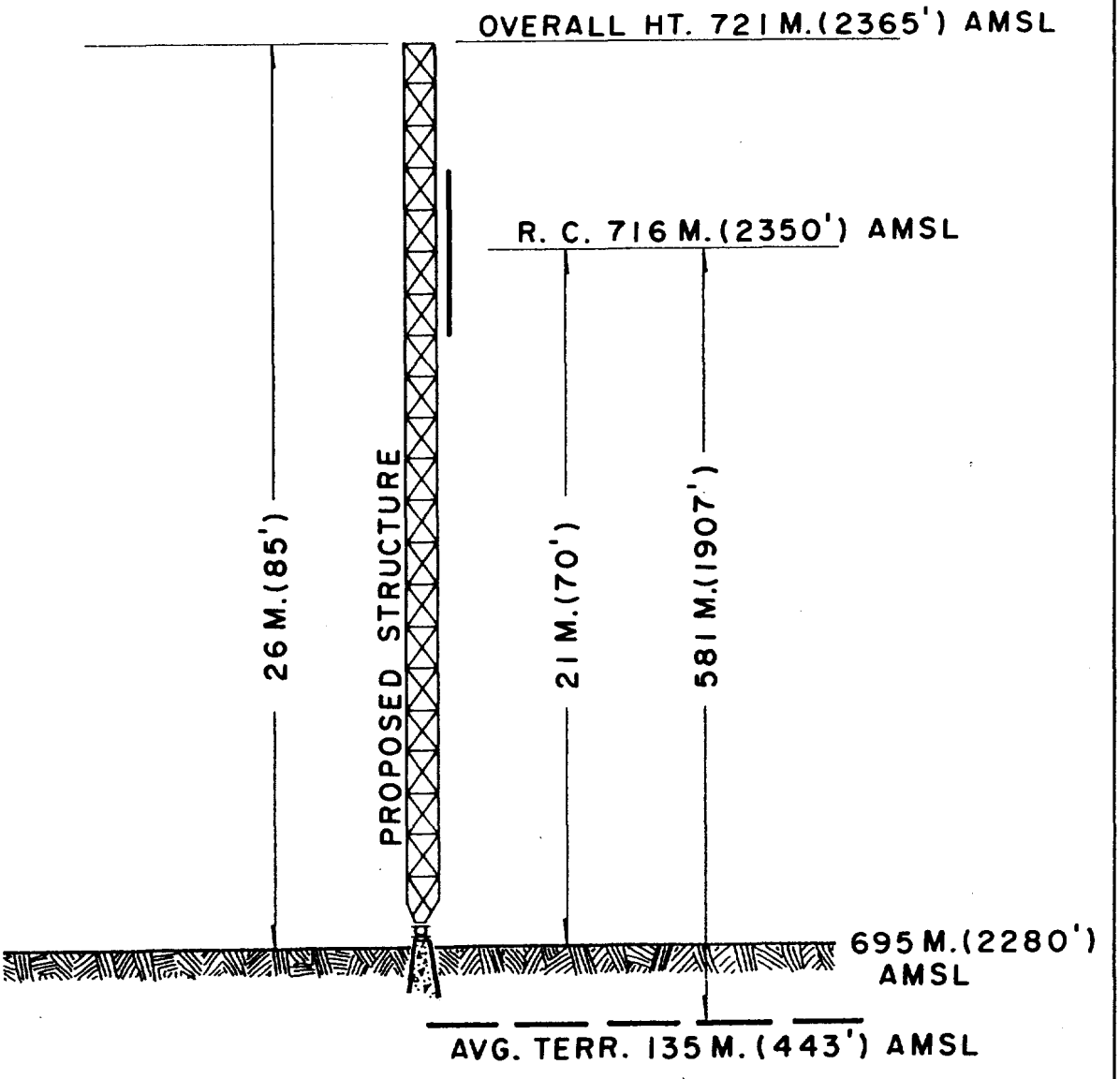

SITE COORDINATES:

21° 23' 45"

158° 05' 58"

EXHIBIT C

ELEVATION OF ANTENNA STRUCTURE

PROPOSED DTV ALLOTMENT
CHANNEL 17 - MILILANI TOWN, HAWAII

SMITH AND FISHER

EXHIBIT D

PROPOSED OPERATING PARAMETERS

PROPOSED DTV ALLOTMENT
CHANNEL 17 - MILILANI TOWN, HAWAII

Channel Number:	17
Zone:	2
Site Coordinates:	21-23-45N 158-05-58W
Antenna Structure Registration Number:	Not required
Tower Site Elevation (AMSL):	695 meters
Overall Tower Height Above Ground:	26 meters
Overall Tower Height Above (AMSL):	721 meters
Effective Antenna Height Above Ground:	21 meters
Effective Antenna Height (AMSL):	716 meters
Average Terrain Elevation (2-10 miles):	135 meters
Effective Antenna Height Above Average Terrain:	581 meters
Antenna Make and Model:	MCI 955118
Orientation:	Omnidirectional
Electrical Beam Tilt:	None
Polarization:	Horizontal
Effective Radiated Power (main-lobe, maximum):	200 kw

-Micro Communications, Inc.
Grenier Field * P.O. Box 4365 * Manchester, N.H. * USA
Tel. (603) 624-4351 * Fax (603) 624-4822

THEORETICAL ELEVATION PATTERN IN RELATIVE FIELD

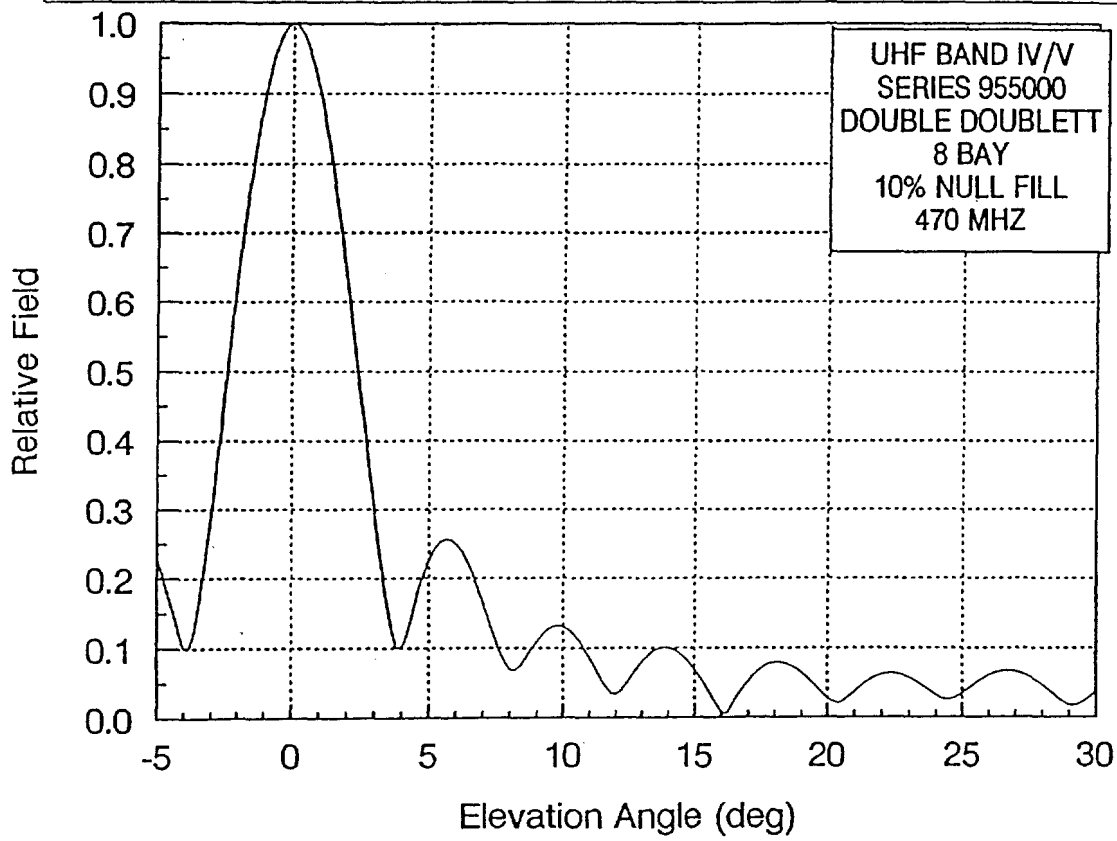

EXHIBIT E

ANTENNA ELEVATION PATTERN

PROPOSED DTV ALLOTMENT
CHANNEL 17 - MILILANI TOWN, HAWAII

SMITH AND FISHER

EXHIBIT F

ELEVATION AND CONTOUR DATA

PROPOSED DTV ALLOTMENT
CHANNEL 17 - MILILANI TOWN, HAWAII

Az. (° T)	Avg. Elv. AMSL 2 to 10 Miles meters*	Effective Ant. Ht. AAT meters	ERP (dbk)	Distance to Predicted Digital Contour (41 dbμ) km.
0	442	274	23.0	80
45	247	269	23.0	97
90	77	639	23.0	108
135	43	673	23.0	109
180	51	665	23.0	109
225	32	684	23.0	109
270	21	695	23.0	110
315	167	549	23.0	103

Height of radiation center above mean sea level	716 meters
Height of average terrain above mean sea level	135 meters
Height of radiation center above average terrain	581 meters
Effective radiated power, main lobe, maximum	23.0 dbk, 200 kw

Geographic Coordinates

N 21° 23' 45" W 158° 05' 58"

* *Source of terrain data: Defense Mapping Agency 3-second terrain database*

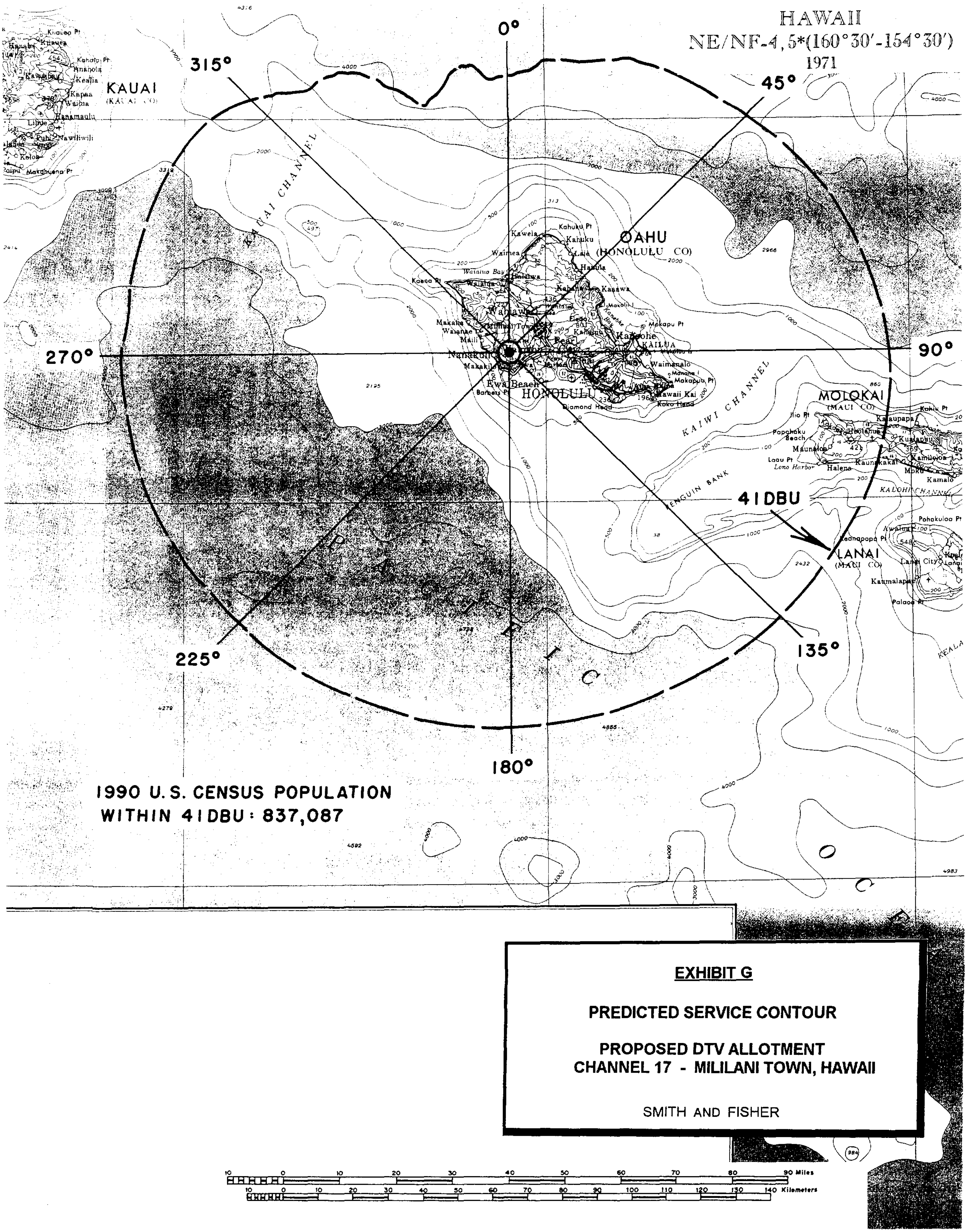

EXHIBIT G

PREDICTED SERVICE CONTOUR

PROPOSED DTV ALLOTMENT
CHANNEL 17 - MILILANI TOWN, HAWAII

SMITH AND FISHER

EXHIBIT H

ALLOCATION AND INTERFERENCE STUDY

PROPOSED DTV ALLOTMENT
CHANNEL 17 - MILILANI TOWN, HAWAII

An interference study was conducted using the operating parameters of the facility described herein to determine if it meets the FCC's *de minimis* interference requirements of Section 73.623(c)(2) of the Commission's Rules. Specifically, the proposed facility may not cause more than two percent interference to the service population of a DTV or NTSC facility, nor can its interference contribution result in an excess of 10 percent total DTV interference to the service population of any DTV or NTSC facility.

The service area of a DTV station is defined as that which is calculated using the Longley-Rice propagation model to receive a signal of 41 dbμ or greater and lies within the predicted 41 dbμ contour of the station using the F(50,90) curves, the station's effective radiated power, and 2-10 mile terrain averages along each radial.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications "Probe" computer program, which has been found generally to mimic the FCC's program.

We conclude that the proposed allotment does not cause calculated interference to any NTSC or DTV station. In addition, no Class A-eligible LPTV station would be adversely affected by the facility proposed herein.

Therefore, this proposal meets the FCC's *de minimis* interference standards as defined in Section 73.623(c)(3) of the Commission's Rules.